DOCUMENT RESUME

ED 267 168 UD 024 797

AUTHOR Kelly, James, Jr.
TITLE From Here--Where? (Revised).
PUB DATE 13 Apr 84
NOTE 23p.; Revised version of a paper presented at a Symposium observing Brown v The Board of Education of Topeka; Supreme Court Decision of 1954 (February 10-11, April 11-13, 1984); supersedes ED 264 350.
PUB TYPE Collected Works - Conference Proceedings (021) -- Viewpoints (120) -- Reports - General (140)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Civil Rights; *Desegregation Litigation; *Justice; Political Attitudes; Racial Discrimination; *Racial Relations; *School Resegregation; *Social Change
IDENTIFIERS *Brown v Board of Education

ABSTRACT

Thirty years after the Supreme Court's ruling in Brown versus The Board of Education of Topeka, 1954, this paper discusses generally the impact of the Brown decision on education. It presents five major "lessons" suggested by the history of school desegregation. (1) The attack on bigotry and injustice must be fought on all fronts--with votes, political interest groups, multicultural education, economic planning, and with political consolidation. Litigation will not by itself solve problems with deep roots in social and economic conditions. (2) Liberty and equality are not polar opposites: equal opportunity must be seen as a goal necessary to all. (3) At present, in some ways, society is more segregated than ever: we have found ways to resegregate, not on specific racial grounds, but with results that are just as destructive to fairness and justice. (4) The costs of social change are charged always to those who are least able to afford the change. Desegregated schools are no solution as long as our politics, housing, incomes, class structures and churches are segregated. (5) The nostalgia and resentment that follow radical social change generate the pernicious myth that there is a great, good place in the past that we must return to because we have gone too far. The inertia and resistance to the impact of Brown, on the part of active opponents as well as those who yearned for more comfortable times, was underestimated. The Brown case illustrates a first principle: equality is a good thing that needs no defense. (KH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

✓ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Dr. Thomas W Cole, Jr
WV State College

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

FROM HERE--WHERE?

(Revised)

ED267168

James Kelly, Jr.
Dean, School of Education
University of Pittsburgh

Final address in the Lecture and Discussion Series
BROWN v. THE BOARD OF EDUCATION OF TOPEKA: AN ASSESSMENT 30 YEARS LATER

West Virginia State College
Institute, West Virginia

April 13, 1984

UD024797

Between the idea
and the reality
Between the motion
and the act
Falls the Shadow.

T. S. Eliot

What happens to a dream deferred?
Does it dry up
Like a raisin in the sun?
Or fester like a sore - and then run?
Does it stink like rotten meat?
Or crust and sugar over - like a syrupy sweet?
Maybe it just sags
Like a heavy load.
Or does it explode?

Langston Hughes

We are here today to consider the state of education thirty years after Brown v. the Board of Education of Topeka, Kansas. We also want to bear witness to a significant past. We stand in this place, where at a different time the actions we took reverberate through the present and point to a possible and necessary future. An insight of George Santayana is appropriate at this point. "We must welcome the future remembering that soon it will be the past. And we must respect the past, remembering that once it was all that was humanly possible."

As one who spent eighteen years here as a Personnel Dean (1948-66) I do not pretend to be a neutral observer, objectively analyzing historical phenomena. Like the Greek historian Thucydides, "Part of this I saw, and part of this I was." I want to honor that history, for as Thucydides said of his own, "My history is an everlasting possession, not a prize composition which is heard and forgotten." The extraordinary history of West Virginia State College is a possession we must cherish and guard, for there are no permanent victories in the wars for equality and justice.

It is imperative that I pause and pay honor to whom honor is due. The late President, Dr. John W. Davis, of whom it was said that "West Virginia State College was his lengthened shadow." Years before Brown Dr. Davis told his faculty that, "The Function of a Negro College is to work itself out of a job and become a college for all students," and he acted on that principle by building a high-quality, integrated faculty long before Brown. His eminent successor, President William J. L. Wallace, with indomitable spirit insisted after Brown that "We are going to be part of the solution and not the problem." With enormous resolution and disciplined impatience, he formulated effective policy and took positive, decisive action as the keeper of a dream--that West Virginia State College would become "a living laboratory in human relations." Governor Marland of West Virginia, when asked how deliberately was he going to speed desegregation, replied, "We will abide by the Supreme Court decision. Now!"

At the time of the Supreme Court's decision, West Virginia State was an all Black college. Two years later over one-half the student body was white. This change was accomplished without the devastating outcomes predicted by the prophets of doom and gloom--no catastrophic racial incidents, no inglorious compromise of salient principles. The Student Personnel deans brought faculty, staff, and students together to discuss the challenges of present and future settings which emphasized our common humanity. We planned, we watched, we waited. We succeeded. We reaffirmed Mark Twain's insight "Always do right: this will gratify some people and astonish the rest." Those who participated in that process are now scattered to the far reaches of the world, determined to personalize and institutionalize their learnings and eliminate the sanctified stupidities of our nation's past. We

need to honor our past here, not only out of pardonable pride, but also because we know that there are some lessons in history. There are some things worth repeating, and the success of "integration in reverse" is one of them. We must affirm this because of recent attempts to make part of the conventional wisdom the notions that somehow, (1) desegregation is over with and no longer needed; or, conversely (2) it's gone too far, and it didn't work anywhere anyway.

West Virginia State College continues to perpetuate its illustrious tradition by this distinguished lecture series highlighting one of the magnificent moments of American history. Richard Kluger in his fascinating provocative book Simple Justice (a book on Brown) asserts "Probably no case ever to come before the nation's highest tribunal affected more directly the minds, hearts, and daily lives of so many Americans...The decision marked the turning point in America's willingness to face the consequences of centuries of racial discrimination, a practice tracing back nearly to the first settlement of the New World."[1] Diane Ravitch in The Troubled Crusade observes:

> Never had the Supreme Court reached so deeply into the lives, laws, and the mores of so many people; nearly half the states of the nation were living according to laws that the Court had ruled unconstitutional. Approximately 40 percent of the public school pupils in the nation were enrolled in segregated schools. 2

Ravitch views this Supreme Court decision as a radical change from an inglorious past. It was the Supreme Court in the post-reconstruction period that allowed the restoration of white supremacy in former slave states, allowed the removal of Blacks from voting roles and allowed Jim Crow laws to maintain strict racial separation.[3]

There is a profound sense in which Brown calls attention to the splendor and the contradictions of American history. It is a history of ecstacy and

agony. Our purposes as well as our predicament make a balanced perspective essential to our progress. A disciplined look in retrospect for 30 years may illuminate the past, inform the present, and chart the possible and probable in a challenging, ominous future.

We must not capitulate to the cynicism that claims we do not learn from the past. We are not Prometheus Bound or Camus' resigned Sisyphus Our perspective should acknowledge the insight of H. G. Wells that "Human history becomes more and more a race between education and catastrophe."[4] It garners enormous wisdom in the caution of George Santayana "Those who cannot remember the past are condemned to repeat it."[5]

We must ask ourselves the question, "What has Brown taught us? In what language shall we articulate our learnings? What is the distilled wisdom that comes out of our past experience?

The progress in the thirty years since the Court's decision striking down segregation in the schools has been marked by both triumph and tragedy: the triumph of the Civil Rights Laws which are bringing millions of the previously disenfranchised into the mainstream of American politics where they can speak (and vote) for themselves; the tragedy of delay, violence, assassinations, and the raising of unenlightened self-interest to stand as the highest ideal of a Presidency. We need to ask ourselves why, after thirty years, has the momentum of the Civil Rights movement radically diminished? Why, after the course was charted so clearly, when so much had been accomplished, why have the myths of "enough," and "we've gone too far" arisen with so much power to block the creation of a fair and just nation? Is our dream deferred going to dry up like a raisin in the sun? The dream will die if we do not attend to the lessons of history. To paraphrase Bernard Shaw, "only those who have nothing to teach or do not want to learn" believe that

we cannot gain useful instruction from the past. Let me suggest what some of those lessons might be.

Lesson No. 1:

Our history embodies a fascinating interplay of forces. In Brown and its subsequent implementation and acceptance we see the interplay of forces emanating from the executive, legislative, and judicial branches. Brown was in 1954 a Court decision and there were attempts to overthrow or nullify that decision. President Eisenhower did as little as he possibly could until he saw that he must uphold the law in Little Rock. President Eisenhower asserted that "People have a right to disagree with the Supreme Court decision - since the Supreme Court has disagreed with its own decision of 60 years standing - but, of course, the new decision should now be carried out."[6] Southern Senators attempted to harrass the federal judges who prevented local school systems from ignoring or evading the impact of Brown. Ravitch describes the vehement responses to Brown by the southern states.[7] Discrimination against Blacks turned out to be more than a southern phenomenon, it was a national problem.[8]

However, in spite of resistance, by the mid 1960's Brown had become the policy of the land enacted even more broadly by civil rights legislation and executive presidential commitment. Maximal progress was made when there was a confluence of all three branches of government.

We must learn as well from a second set of interacting forces--the forces exerted by brave leadership, on the one hand, and those exerted by a democratic populace with deeply held humane values on the other. On May 17, 1954, the Supreme Court, (the least democratic branch of the national government), felt no compulsion "to nourish the collective biases of the electorate" and

reaffirmed the inherent equality of mankind - one of the fundamental, self-evident truths in the American belief system. The Court provided critical leadership at a crucial point in history but its leadership had an effect and prevailed because its action reaffirmed a fundamental belief of Americans. Thus, Brown was not only a legal decision, it was also political and symbolic--"political" in the best sense of that term. Constitutional decisions are not self-enforcing. They cannot run contrary to the deepest values of our people. The truth of the matter is, the Supreme Court functions in a complex political environment. Mr. Dooley observed, "I don't know whether the Constitution follows the flag or not, but the Supreme Court follows the election returns." The Dred Scott decision, one of the worst decisions ever promulgated by an American Court, shows what happens when humanity, justice and the moral foundations of the nation are ignored in favor of class expediency. Justice Taney asserted "a Negro has no rights that a white man is bound to respect." Civil War is too high a price to pay for judicial arrogance. It was the genius of the Warren Court that it looked to the future and tried to prepare the nation for it in the Brown decision of 1954.

If any lesson has become at all clear from the history of the embattled retreat from segregation it is that the attack on bigotry and injustice has to be fought on all fronts--with votes, political interest groups, multicultural education, economic planning, and above all, with allies North and South, of every complexion, in each political party and from each social and economic class. Litigation will not by itself solve problems with deep and stubborn roots in economic and social conditions. That is, the issue of segregation is (or ought to be) legally settled. The political, social, and economic implementation is and has to be the continuing concern of political and moral coalitions. The lesson is, then, that we cannot predicate our total trust,

our hope, our faith on the government as the watchdog or legislator of institutional or individual behaviour. Legal decisions are an outgrowth and an expression of the prevailing ethos. The forming of that ethos is our proper business.

Lesson No. 2:

Opponents of equal opportunity deliberately frame the questions in words which elicit a negative response, designed to bring out the worst in people. One of the most curious of the half-truths that has been bruited about by the neo-segregationists is the re-casting of the American Dilemma in terms of Equal Opportunity versus Quotas. In their more hysterical moments they seem to find Robespierre and his guillotine lurking beneath every civil rights belief.

We have a new rhetoric of justified inequality--a rhetoric of sounding brass and tinkling cymbal. What we must not do is to allow the argument to be set in these terms. We must point out as often and in as many places as possible that Liberty and Equality are not polar opposite qualities. We must talk in terms of equal opportunity as the necessary condition which we must reach. The question before us in education and the schools is the question of at least equal opportunity, at least a fair start in life, at least an educational entitlement that allows all children to choose the path to a life that is personally enriching, socially useful, economically rewarding, and spiritually fulfilling.

We must ask of our leaders that they attend to the citizens aspirations and hopes, their aspirations not only for themselves but also for their children. The sour quality of much of what we hear from elected officials dishonors the speakers and the people who elect them. The astonishing contention that people are hungry by choice, (if hunger exists) is typical of

this kind of discourse. Evidently the price of standing tall in the saddle is impaired moral vision.

Our lesson here is that history can bring out the worst in us and the best in us. We must be constantly vigilant to insure the agenda of equality and justice is set in terms defined and acted upon by persons of good will, not the apostles of selfishness.[9] The ancient and dishonorable notion that private vice is public virtue has no application to the questions of equality and justice. The terms of discourse must become and remain ours, not the property of equality's enemies. Slogans, such as "the Courts are color blind," are not solutions regardless of whoever coins them.

Lesson No. 3:

We must realize that thirty years after Brown we have moved into a new, and perhaps more dangerous, period. Bigotry needs no racial segregation if its desires can be satisfied by an economically and socially segregated school system. In many ways, we are a more segregated society now than we were thirty years ago. While it would be difficult to find anybody who would not affirm the principle that an educated citizenry is a necessary condition of a free society, it is not difficult at all to find the David Stockmans, the George Gilders, and the Robert Bartleys to provide the meretricious statistics, the disgraceful equivocations, and the mean, sneering rhetoric to justify the squeezing of social programs that the well-off do not need.

We have found ways to resegregate, not on specific racial grounds, but with results that are just as destructive to fairness and justice. We have been made painfully aware, in the years since Brown, that education is about more than education and schooling. It is about politics and economics. If our nation becomes more and more divided between high and low income and between the employed and unemployed; if the burden of economic recession

is borne disproportionately by minorities; if the poor become more and more segregated; if access to decent schools becomes more and more geographically difficult, if we are developing in America a class system of education, where the futures and aspirations of individuals are determined for them by the kinds of schools they attend, what need has bigotry for racial segregation?

Lesson No. 4:

There is a cost to this resegregation that we have not yet learned to calculate. We have allowed the obsession with the alleged costs of desegregation to obscure what our real concern should be: the cost of segregation to institutions, communities, groups, and individuals. We should add the devastating, intangible moral and psychological costs of segregation, not only to its direct victims, the segregated, but also to the privileged. The terrible burden of bigotry is manifested in distress about the quality of schools, in the strain of "changing neighborhoods," in the tensions among those who have to undergo unwanted social dislocation. Balanced against these debits, the costs of busing are trivial. What we have learned, and what we must constantly remind ourselves is that the costs of social change are charged always to those who are the least able to afford the strain. When the schools become agents of social change, we often force children to do adults work. The psychological costs are incalculable.

The lesson is that we must take account of the frustration and peril that follow in the wake of extravagant expectation. Evil is resilient--it takes no Bible study to tell us that. On May 17, 1954, we did not understand the magnitude of the task. We did not understand that good will alone is not enough. We did not understand that persons who said they supported "separate but equal" because it was law, (Plessy v. Ferguson) would not support "with all deliberate speed" when it became the law (Brown v. Topeka).

We did not understand that the long years of preparation leading to the successful argument before the Supreme Court may have been only the beginning, and perhaps not the most difficult part of the task. We have futilely pursued simplistic solutions without understanding the inextricable interdependence of our social institutions. Desegregated schools are no solution as long as our politics, our housing, our incomes, our class structure, and our churches are segregated.[10]

Lesson No. 5:

The nostalgia and resentment that follow radical social change generate the pernicious myth that there is a great, good place in the past that we must return to because we have gone too far. With newly found freedom in the land of promise, we still yearn for the flesh pots of Egypt. In the words of Marshall McLuhan, "We march into the future looking into the rear-view mirror." Years ago an old farmer in Hilltop, West Virginia remarked to me, "Things ain't what they use to be." Then he added philosophically, "In fact, they never was."

The lesson is that we underestimated the inertia and resistance to the impact of Brown, not only among those who resisted to the last breath acknowledging the Supreme Court's laying down of the law, but also among those who, while paying lip service to constitutional principles, yearned for more comfortable days.

* * * *

Before we can usefully begin any discussion of what to do about the present sorry retreat from a possibly better world, we have to reaffirm a first principle:

Equality is a good that needs no defense. Its shifting definitions

over time are no excuse for questioning its validity. We believe in equality before the law. We believe that all persons are created equal. We believe that the privileges of wealth, position, class, and status must be offset by high quality education for all. We believe that discrimination is an abomination that cannot be tolerated in the distribution of educational and other societal resources. We believe that conflicts between liberty and equality are trivial compared with what they both contribute to the life of free people in a free society. One is necessary to the other. We believe that our schools must reflect, embody, and exemplify the values of freedom and equality.

* * * *

There have been many attempts to re-write the history of Brown to make it appear that there was something equivocal, hesitating, reluctant, or otherwise muddled in the minds of the Justices of the Supreme Court who ordered the school systems at litigation to proceed "with all deliberate speed," in the May 31, 1955 Brown II decision. Those who were satisfied with the status quo have misread the Court's intent. We have tended to invoke the definition of politics as "the art of the possible," as an excuse for the compromise of principle, when in truth politics is equally concerned with the art of the necessary. The phrase "all deliberate speed" was not invented by the Supreme Court. It appears in Scottish law (cf. Sir Walter Scott) as an order to do it now, and carefully.[11]

Note the use of the phrase in Francis Thompson's poem, "The Hound of Heaven":

> I fled Him, down the nights and down the days;
> I fled Him, down the arches of the years;
> I fled Him, down the labyrinthine ways
> Of my own mind; and in the mist of tears
> I had from Him, and under running laughter.
> Up vistaed hopes I sped;
> And shot, precipitated,
> Adown Titanic glooms of chasmed fears,
> From those strong Feet that followed, followed after.
> But with unhurrying chase,
> And unperturbed pace,
> Deliberate speed, majestic instancy,
> They beat--and a Voice beat
> More instant that the Feet--
> "All things betray thee, who betrayest Me."

How appropriate and how wise those words are! "Deliberate speed, majestic instancy, they beat..." It is the majestic beat of the Court's decision--unhurried, unperturbed, but insistent, that still excites our admiration and lifts our spirits thirty years after the event. We have had much happen to test our resolve and commitment to justice under law and to equality as the fundamental idea--we have had violence, riots, assassinations and even Supreme Court decisions which seemed to place a limit on desegregation. We have had fine tuned discussions about quotas, the rights of the majority, the putting forward of the absurd notion that to stop discrimination against Blacks is to commit discrimination against whites. Some have put forth the notion of "reverse discrimination" when in truth the only reversal is that of logic and evidence.

We need not despair. The example of Brown is still before us. When heeded, the Court's decisions have not been disruptive and divisive, but unifying and healing. Millions of children of all colors have fulfilled Martin Luther King's dream of "walking hand in hand." Despite the resistance, the middle-class flight from the cities, the racial steering, the

incessant mutterings about watered down curriculum in the schools, much has been accomplished. But not enough. We can point to success because we must expose the lies and the distortions, but we cannot be satisfied. We can move from mere description of the problem to definition--definition of what remains to be done, the reaffirmation of the right as God gives us to see the right, the resolution to move forward to the actualized ideals of equality and justice.

* * * *

If we describe the past in terms of retreat and retrenchment, the present in terms of reexamination and reaffirmation, the challenges of the future will involve resolution and renewal.

What imperatives remain on our unfinished agenda?

One: We must summon the energy and the will to refute the counsels of despair and reaction. We must reject all false metaphors, all newly minted humbug slogans, all false dichotomies between liberty and equality. We will scorn superficial discoveries of non-events, such as "The Revolution of Rising Entitlements," and "the demands for equality of results." In a world of instant mass communication, where half-truths can be forced upon millions of readers and listeners without rebuttal, there must be a new commitment to truth-telling and bearing witness. If we remain silent, we give over by default to the hard-souled, the image-makers, the manipulators with the silent agenda of class politics.

Two: We must build upon our understanding that social and economic segregation has just as devastating a result as racial bigotry. We must work toward social justice based upon a fair tax system, one not based upon the principle of "soak the poor." We must remove the injuries of class from the schools and the society, for in no other way can a fair and just society become a reality. We must affirm and reaffirm our understanding that when we plunge the poor into protracted poverty, that is a crime, not

a natural condition. Some current economic theorists continue to defend placing power and money in the hands of the most advantaged. As Governor Cuomo of New York remarked, "They believe that God is most interested in helping those whom he has already helped." We are reminded of J. K. Galbraith's definition of their economic principles: "They believe that you must give money to the rich, because if you don't they won't work. But you must not give money to the poor, because if you do, they won't work."

Three: We must re-establish the idea of a national direction, a national presence emphasizing excellence in education as well as access. The recent report of the National Commission on Excellence in Education has the appropriate title, A Nation at Risk: The Imperative for Educational Reform. We know from the past this national direction must involve all branches of government and calls for leadership as well as new commitment of the populace. The new conservatives (with no legitimate claim to an honorable tradition) have been pushing the narcotics of the new interposition, the new states rights, the new nostrums of local control--all of which are meant to drug our good sense, our knowledge of our true history, our understanding of what fairness and justice should mean to even the least of us. The simple fact of the matter is that local governments cannot be relied on by themselves to create a nationally fair school system. Brown would not have been necessary had not the sanctified "local control" failed.

Four: We must create a taxing and funding system which genuinely equalizes the resources available to all students, elementary and secondary, post-secondary and graduate. The absurdity by which children living on one side of the street may have twice as much educational monies supporting them as children living on the other side must be eliminated. We must boldly assert that the cost of segregation and bigotry is an intolerable drain upon our political, economic, and moral life. To those who worry about the trauma

of busing and open housing we must ask, "Have you considered what our nation would be like without the court decisions, the civil-rights laws, the enforcement regulations? Could we exist as a larger South Africa? Would we not be a nation without a soul?"

Five: We must work for a nation in which such court-ordered remedies as busing to achieve racial balance are not necessary because economic and geographical segregation have disappeared, because all schools are quality schools, because all children are cherished, and equally supported.

Six: Above all, we must come to understand that the problems are not mere technical problems, not simply a question of removing legal barriers to equality. Constitutional law and the implementation of constitutional decisions demand something more of us than some abstract notions of neutrality and measurable merit. They demand of us recommitment to one of the most central and crucial moral principles of this nation--the principle of the dignity and value of each person. The point has been eloquently put by the political scientist John A. Rohr:

> The sad truth is that we are unaccustomed to serious moral discussion. We prefer to take our morals in small doses of slogans, epithets, and invectives. When Machiavelli told us to look at the way things are and not as they ought to be, he made us modern men; but in so doing he bequeathed us a sorry legacy of trained incapacity for sound moral judgment...12

Rohr insists that bureaucrats in government should never lose sight of the ideal and the reality.

> Bureaucrats seldom link their routine frustrations with the grand principles of the Republic. This is not because the link is illusory, but because they have not been educated to look for it...
>
> The "political"orientation of their superiors, the "meddling" of the courts, the "harrassment" from congressional committees--these are precisely the ways in which the constitutional word becomes flesh.13

It is a sorry state of affairs in America when the Court becomes our

individual and collective conscience, when litigation and lawsuits represent the only way the nation has contrived to frame its most vexing social and political problems for a "definitive judgment that applies to a vast land, a varied people, a whole age."[14]

Seven: Even with renewed commitment to the principle of equality in the populace, we still need leadership--in the executive branch, the legislative branch, and the courts. The upcoming election is of extraordinary significance in this regard. Given the age and health of the present Supreme Court justices, the next president may have the opportunity to appoint three or four justices and significantly change the configuration of the Court. We have seen the effects of an uncommitted executive branch. Our informed, aggressive political posture is crucial.

Eight: Nothing less than a new national coalition will serve in order to bring into being an effective counterforce to those who would smuggle in a new bigotry under the false pretense of the preservation of liberty. In order to achieve these eight imperatives, we must revive and strengthen the coalition of those forces which won the victories of Brown and the Civil Rights Laws. In spite of those successes, the forces against equality have succeeded in playing divide and rule with us. We must again see that discrimination harms all of us, and there is no advantage in advantage purchased at the cost of the dignity of another human being. As Drew S. Days III puts it, "... the new consensus on civil rights comes down to a simple proposition: we have to agree once and for all to pay now rather than later."[15]

It is my hope that one day Brown may be regarded as "a chapter in the biography of a nation that has begun to understand that history may measure its ultimate worth not by the lilt of its slogans or the might of its arsenals or its troy weights of gold, but by how evenhandedly it has dealt

with all of its citizens and how consistently it has denied dignity to none."[16]

Then this "Nation at Risk"[17] shall become in dream and deed, "one nation, under God, with liberty and justice for all."

The woods are lovely, dark and deep,
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.

FOOTNOTES

1. Richard Kluger, Simple Justice (New York: Vintage Books, 1975), Forword x.

2. Diane Ravitch, The Troubled Crusade (New York: Basic Books, 1983), p. 127.

3. Ibid., p. 119.

4. H. G. Wells, The Outline of History, 1920, Chapter 40.

5. George Santayana, The Life of Reason (1905-1906), Vol. 1, Reason in Common Sense.

6. Ravitch, Op. Cit., p. 135.

7. Ibid., p. 133

   In March, 1956, southern congressmen issued a "Southern Manifesto," which decried the Brown decision as "a clear abuse of judicial power" and declared their intention "to resist enforced integration by any lawful means." The manifesto was signed by 19 of the South's 22 senators, and by 82 of its 106 congressmen.

   To stave off the anticipated incursions by the NAACP and the federal judiciary, the legislatures in the eleven southern states passed scores of new laws to protect segregation. The measures passed included such provisions as: the denial of state funds to schools attended by pupils of different races; threats to close the public schools in the event they were integrated; delegation of control of the public schools to the governor or the state legislature, in hopes of frustrating federal court orders; the abolition of compulsory schooling; tuition grants for those who did not wish to attend integrated schools; criminal penalties for teaching in or attending an integrated school.

   See also Benjamin Muse, Ten Years of Prelude: The Study of Integration Since the Supreme Court's 1954 Decision (New York: Viking Press, 1964), p. 63.

   Hubert H. Humphrey, ed. Integration vs Segregation (New York: Thomas Y. Crowell, 1964), pp. 32-35.

8. Drew S. Days, III, "Seeking a New Civil Rights Consensus," Daedalus, Fall 1983, p. 209, p. 205.

9. George Gilder's contention is that greed is really altruism because the entreprenuer's pursuit of self-interest results in a public good. Why Gilder has to defend this idea by distorting the plain meaning of words is obscure, unless one understands that his notions are not very defensible without the distortion.

10. As an example, this speaker recently attended services at a racially integrated church in the south suburbs of Chicago (the most segregated city in the country). The church was one of the four or five (at most) integrated churches of the 300 or so churches in the area.

11. Daniel M. Berman, It Is So Ordered (New York: W. W. Norton and Company, 1966), p. 122.

12. John A. Rohr, Ethics for Bureaucrats (New York: Marcel Dekker, 1978), p. 3.

13. Ibid., p. 40.

14. Kluger, Op. Cit., Foreword x.

15. Days, Op. Cit., p. 212.

16. Kluger, Op. Cit., Foreword x

17. The National Commission on Excellence in Education. A Nation at Risk: The Imperative for Educational Reform. Washington, D. C.: U. S. Department of Education, 1983.

REFERENCES

Henry J. Abraham, The Judicial Process (New York: Oxford University Press, 1962), pp. 186-88.

Alexander M. Bickel, The Least Dangerous Branch: The Supreme Court at the Bar of Politics (Indianapolis: Bobbs-Merrill, 1962), p. 252.

Daedalus, Journal of the American Academy of Arts and Sciences. "Human Rights," Fall 1983.

Desegregated Schools, Appraisals of an American Experiment. Edited by Ray C. Rist, New York State College of Human Ecology, (New York: Academic Press, 1979).

Mario Fantini, Marilyn Gittell, Richard Magat, Community Control and the Urban School (New York: Praeger Publishers, 1970).

Final Report of the Commission on the Higher Education of Minorities, Higher Education Research Institute, Inc., Los Angeles, California, 1982.

Leslie H. Fishel, Jr. and Benjamin Quarles, The Negro American: A Documentary History (Palo Alto: Scott Foresman and Co., 1967).

Larry W. Hughes, William M. Gordon and Larry W. Hillman, Desegregating America's Schools (New York: Longman, 1980).

Alfred H. Kelly, "The School Desegregation Case," in John A. Garraty, ed., Quarrels That Have Shaped the Constitution (New York: Harper and Row, 1964), p. 251, p. 260.

Gunnar Myrdal, An American Dilemma (New York: McGraw-Hill, 1964), p. 251.

John U. Ogbu, Minority Education and Caste, The American System in Cross-Cultural Perspective (New York: Academic Press, Winter 1978).

Robert M. O'Neil, Discriminating Against Discrimination, Preferential Admissions and the DeFunis Case. (Bloomington: Indiana University Press, 1975).

J. W. Peltason, Fifty-eight Lonely Men: Southern Federal Judges and School Desegregation (New York: Harcourt, Brace & World, 1961), p. 10

Nancy H. St. John, School Desegregation, Outcomes for Children, (New York: John Wiley and Sons, 1975).

School Desegregation: The Courts and Suburban Migration, A Consultation Sponsored by the U. S. Commission on Civil Rights, Washington, D.C., December 3, 1975.

School Desegregation in the North, The Challenge and the Experience. Edited by Edwards T. Bently and Frederick M. Wirt, (San Francisco: Chandler Publishing Co., 1967).

William E. Sedlacek and Glenwood C. Brooks, Racism in American Education: A Model for Change (Chicago: Nelson-Hall, 1976)

John C. Shea, American Government, The Great Game of Politics (New York: St. Martin's Press, 1984).

Arnold H. Taylor, Travail and Triumph, Black Life and Culture in the South Since the Civil War. (Westport: Greenwood Press, 1976).

The Crisis, "A Profile in Black America," December 1983, Vol. 90, No. 10.

Franklin A. Thomas, Reflections on a Multi-Racial Society, Ford Foundation Office of Reports, New York, 1983.

Meyer Weinberg, The Search for Quality Integrated Education, Policy and Research on Minority Students in School and College (Westport: Greenwood Press, 1983).

Charles V. Willie and Susan L. Greenblatt, Community Politics and Educational Change, Ten School Systems Under Court Order (New York: Longman, 1981).

Reginald Wilson and Sarah E. Melendez, Minorities in Higher Education Second Annual Status Report, American Council on Education.

C. Vann Woodward, The Strange Career of Jim Crow (New York: Oxford Press, 1957).